

personal knowledge and my review of correspondence between the parties kept by Dorsey & Whitney LLP in the ordinary course of business.

2. On Monday, November 28, 2005, the EEOC advised United Freight that it would file a motion to compel if United Freight did not withdraw its objections to the production of its confidential financial records and produce such records by the following Monday.

3. The next day, United Freight responded to the EEOC by letter. In this letter, United Freight explained, in detail, why the EEOC was mistaken and why the requested financial information was not yet discoverable given the statutory prohibition contained in AS 09.17.020. United Freight then advised the EEOC of the highly confidential nature of the requested financial records and explained that disclosure of such information could be financial ruinous to United Freight. Accordingly, United Freight asked the EEOC to respond by December 5, 2005, if it continued to disagree with United Freight's position so that United Freight could seek a protective order prior to the scheduled depositions.

4. The EEOC did not respond to United Freight's letter.

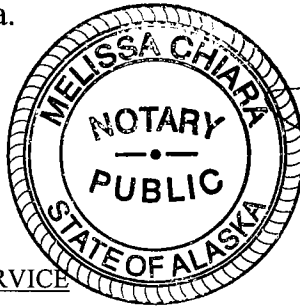
5. Despite this, the EEOC did attempt to elicit information regarding United Freight's financial condition several days later, during the deposition of Frank Monfrey, President of United Freight. In addition, the EEOC sought production of documents containing highly detailed financial information in its second set of discovery requests. On both occasions, United Freight renewed its objection to the discovery of information regarding United Freight's financial condition.

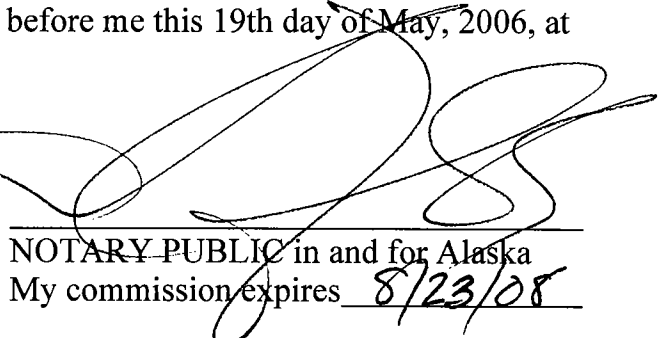
6. To date, the EEOC has not followed up on its second set of requests for production or sought a court order compelling the production of United Freight's financial records or Mr. Monfrey's testimony.

7. The parties have, however, noticed a series of depositions over the course of the next month or so and additional depositions, as well as follow-up discovery requests, are anticipated prior to the close of discovery on June 30, 2006.


WILLIAM J. EVANS

SUBSCRIBED AND SWORN to before me this 19th day of May, 2006, at Anchorage, Alaska.




NOTARY PUBLIC in and for Alaska
My commission expires 8/23/08

CERTIFICATE OF SERVICE

This certifies that on this 19th day of May, 2006, a true and correct copy of the foregoing document was served electronically on:

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s/Wendy E. Leukuma

AFFIDAVIT OF COUNSEL IN SUPPORT OF DEFENDANT'S
MOTION FOR RULE OF LAW OF THE CASE REGARDING
PUNITIVE DAMAGE EVIDENCE